

1 much lengthier; right?

2 A. Yes.

3 Q. Okay. Would you agree that this letter
4 says that Ms. Bakalar is resigning pursuant to your
5 request?

6 A. Yes, it does say that.

7 Q. Okay. And you understand that
8 Ms. Bakalar says, "I'm resigning because if I don't
9 I'll be terminated." That's my understanding --
10 that's her understanding, is that she'll be
11 terminated if she doesn't resign; right?

12 A. Well, it says a little bit more than
13 that.

14 Q. Well, what does it -- what does it say
15 to you that had any importance to you in your
16 decisions regarding her?

17 A. Well, when I look over this letter, it
18 looks to me like it's just a poke in the eye and a
19 very grumbling "I don't want to do this, but I'm
20 only going to do it because Mr. Babcock has told me
21 I have to do it or I'm going to be terminated."
22 It's not a -- it doesn't reflect a good attitude
23 about a good, productive, professional working
24 relationship.

25 Q. Well, were you expecting to be working

1 Q. And it's your position that by her
2 saying, "I am resigning because you've told me I
3 have to or I'll be fired," that that's
4 unprofessional on her part, that she shouldn't
5 express that in this letter?

6 A. I'd say the way it was expressed was a
7 poke in the eye, and it was -- can only be
8 interpreted as quite intentional by me.

9 Q. Did you consider how your -- your
10 letter to the state employees was the first time
11 800-plus state employees had been asked to resign
12 when a new administration came into power. Did you
13 consider how that letter affected those 800
14 employees?

15 A. I don't think that's a true statement.

16 Q. Okay. Can you identify another
17 administration where basically everyone who was
18 partially exempt and exempt was told they had to
19 resign?

20 A. No, not all, that I'm aware of, but a
21 great number or a good percentage of that 800 have
22 received such a request in the past.

23 Q. And would that, again, be from the
24 Knowles administration?

25 A. Well, the Knowles administration among

1 resign, was there anything else about this letter
2 that you felt to be offensive or unprofessional?

3 A. (Reading.) No.

4 Q. Was this letter the reason -- what you
5 considered to be offensive in this letter, was
6 this -- strike that.

7 Was this letter the reason why you
8 decided to terminate Ms. Bakalar?

9 A. Yes.

10 Q. Were there any other reasons?

11 A. I would say that there were some doubts
12 among various people that she could separate her --
13 separate her professionalism from her strong
14 opinions.

15 Q. And who held those opinions about her?

16 A. Oh, I can't really think of anybody in
17 particular who held those opinions. It was just
18 something I was generally aware of and was
19 confirmed later by -- by others. But this letter
20 really was what was the deciding point. This
21 resignation letter was the pivotal point for me in
22 accepting her letter of resignation.

23 Q. What other factors were there besides
24 this resignation letter?

25 A. The other factors really did not come

1 Do you have any opinions as to
2 whether or not Libby Bakalar was a policymaker in
3 her position with the Attorney General's office?

4 MR. BAYLOUS: I'm sorry. I missed
5 that question, Mark. Could you --

6 MR. CHOATE: Sure.

7 MR. BAYLOUS: -- maybe have
8 someone repeat it?

9 BY MR. CHOATE:

10 Q. Mr. Babcock, do you have any opinions
11 as to whether or not Libby Bakalar was a
12 policymaker in her position at the Attorney
13 General's office?

14 MR. BAYLOUS: Objection to the
15 degree that it calls for a legal conclusion.

16 MR. CHOATE: I'm just asking if he
17 has an opinion.

18 A. My general opinion is -- after 30 years
19 of working on and off in the state, is that most of
20 the attorneys, if not all, are to one degree or
21 another policymakers in the Department of Law.

22 BY MR. CHOATE:

23 Q. Okay. Then I believe that's all I
24 have. Let's just take about two minutes for me to
25 go through my notes.